

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

v.

ANGEL OCASIO

§
§
§
§

Cause No. EP-11-CR-2728-KC

AFFIDAVIT OF DEREK A. DUBNER

Before me, the undersigned authority, personally appeared DEREK A. DUBNER, who, being by me duly sworn, deposed as follows:

“My name is DEREK A. DUBNER, I am over the age of 21 years, of sound mind, capable of making this affidavit, and have personal knowledge of the facts herein stated:

“1. I currently reside in Palm Beach County, Florida.

“2. I am an attorney licensed to practice law in the State of Florida. I am currently serving as general counsel to TLO, LLC (TLO).

“3. TLO is a privately-held company formed in 2009 and headquartered in Boca Raton, Florida.

“4. At 1:55 p.m. on May 3, 2013, a subpoena issued by Defendant Angel Ocasio (“Subpoena”) was delivered to TLO via certified mail.

“5. The Subpoena listed no date or time for appearance at a court proceeding. The Subpoena required items to be delivered directly to Ocasio’s defense counsel.

“6. TLO sought to retain local counsel to represent TLO’s interest in this matter.

“7. On May 21, 2013, TLO received a copy of the Court’s Order dated May 20, 2013, requiring the Government to move to quash Mr. Ocasio’s subpoena, should it so desire.

“8. As a result, TLO took no further action to retain local counsel that it had identified.

“9. On May 23, 2013, the Government filed a Motion to Quash Subpoenas Issued Pursuant to FRCrP 17.

“10. On May 28, 2013, TLO learned that the Court had denied the Government’s Motion to Quash.

“11. On May 29, 2013, TLO retained local counsel, Christopher A. Antcliff. Due to Mr. Antcliff’s schedule, TLO was unable to respond to the Subpoena until Thursday, May 30, 2013 at 4:31 p.m. at which time TLO filed a Motion to Quash Subpoenas Issued Pursuant to Federal Rule of Criminal Procedure 17.

“12. On Friday, May 31, 2013, I learned from TLO’s HR Director, Bridget O’Connor, that a process server had attempted “to serve documents” on me at the front desk in TLO’s lobby on the evening of May 30, 2013. Ms. O’Connor advised the process server that I had already left for the evening and that he should come back in the morning on the following day. To my knowledge, the process server did not return the following day.

“13. On Monday, June 3, 2013, at 10:26 a.m., a process server delivered a similar subpoena directed to the Records Custodian of TLO. I accepted delivery.

I declare under criminal penalty of perjury that the foregoing is true and correct.

FURTHER SAYETH AFFIANT NOT.

DATED this 4th day of June, 2013



DEREK A. DUBNER

I, Lynn Dallmer, a Notary Public of the County and State aforesaid, hereby certify that Derek A. Dubner personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the 4th day of June, 2013.


Notary Public

My Commission expires:

